

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MAXIE A. MOORE,

Defendant.

Case Nos. CR99-5534RBL  
CR01-5089RBL  
C08-5068RBL

ORDER

On February 28, 2008 this Court entered an Order dismissing without prejudice defendant's 28 U.S.C. §2255 motion as a second or successive motion. That Order was issued in error. Instead of dismissing the motion without prejudice and directing the defendant to file with the Ninth Circuit, Ninth Circuit Rule 22-3 directs this Court to refer the second or successive motion to the Court of Appeals. Therefore, it is hereby

**ORDERED:**

- (1) The clerk shall transfer defendant's motion to the Ninth Circuit Court of Appeals as a second or successive motion; and
- (2) The clerk shall serve a copy of this Order on all counsel of record and on the defendant and shall administratively close this case.

Dated this 3<sup>rd</sup> day of March, 2008.

  
RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE